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Security Council

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Resolution 1844 (2008)

Adopted by the Security Council at its 6019th meeting, on 20 November 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992), resolution 751 (1992), resolution 1356 (2001), resolution 1425 (2002), resolution 1519 (2003), resolution 1676 (2006), resolution 1725 (2006), resolution 1744 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), and resolution 1814 (2008), and the statements of its President, in particular those of 13 July 2006 (S/PRST/2006/31), 22 December 2006 (S/PRST/2006/59), 30 April 2007 (S/PRST/2007/13), and 14 June 2007 (S/PRST/2007/19), and recalling also its resolution 1730 (2006) on general issues relating to sanctions,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Underlining the importance of providing and maintaining stability and security throughout Somalia,

Reaffirming its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and *expressing* its concern at all acts intended to prevent or block a peaceful political process,

Expressing its grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noting the role piracy may play in financing embargo violations by armed groups, as described in the statement of 9 October 2008 by the Chairman of the Committee established pursuant to resolution 751 (1992) (hereinafter "the Committee") to the Security Council,

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and *reiterating* its demand that all Member States, in particular those in the region, comply fully with the requirements of these resolutions,

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Recalling its intention, outlined in paragraph 6 of resolution 1814 (2008), to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the Transitional Federal Institutions (TFIs) of Somalia or the African Union Mission in Somalia (AMISOM) by force, or take action that undermines stability in Somalia or the region,

Further recalling its intention to strengthen the effectiveness of the United Nations arms embargo on Somalia, outlined in paragraph 7 of resolution 1814 (2008), and to take measures against those who breach the arms embargo, and those who support them in doing so,

Recalling also its request, outlined in paragraphs 6 and 7 of resolution 1814 (2008), to the Committee to provide recommendations on specific targeted measures to be imposed against such individuals or entities,

Taking note of the letter of 1 August 2008 from the Vice-Chairman of the Committee to the President of the Security Council,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

2. *Decides* that the measures imposed by paragraph 1 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region;

3. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities;

4. *Decides* that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or

maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee;

5. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007);

7. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below;

8. *Decides* that the provisions of paragraphs 1, 3 and 7 above shall apply to individuals, and that the provisions of 3 and 7 above shall apply to entities, designated by the Committee;

(a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

(b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 above;

(c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

9. *Decides* that the measures outlined in paragraphs 1, 3 and 7 above cease to apply in respect of such individuals or entities if, and at such time as the Committee removes them from the list of designated individuals and entities;

10. *Underlines* the importance of co-ordination by the Committee with other United Nations Sanctions Committees and with the Special Representative of the Secretary-General;

11. *Decides* further to expand the mandate of the Committee as set out in resolution 751(1992) to include the following tasks:

(a) to monitor, with the support of the Monitoring Group established pursuant to resolution 1519 (2003), implementation of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

(b) to seek from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 3 and 7 above and whatever further information it may consider useful in this regard;

(c) to examine information regarding alleged violations of measures imposed by paragraphs 1, 3 and 7 above, paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002), and take appropriate action if necessary;

(d) to designate individuals and entities pursuant to paragraphs 3 and 8 above, upon the request of Member States as referred to in paragraph 12 below;

(e) to consider and decide upon requests for exemptions set out in paragraphs 2 and 4 above;

(f) to review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 3 and 8 above, with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate, and to encourage Member States to provide any additional information whenever such information becomes available;

(g) to report at least every 120 days to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 1, 3 and 7 above;

(h) to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 3, and 7 above and to determine the appropriate course of action on each case, and requests the Chairman, in periodic reports to the Council pursuant to paragraph 11 (g) above to provide progress reports on the Committee's work on this issue;

(i) to amend its existing guidelines to facilitate the implementation of the measures imposed by this resolution and keep these guidelines under active review as may be necessary;

Listing

12. *Encourages* Member States to submit to the Committee for inclusion on its list of designees, names of individuals or entities who meet the criteria set out in paragraph 8 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

13. *Decides* that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and *decides further* that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 14 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

14. *Directs* the Committee in coordination with the relevant designating States and with the assistance of the Monitoring Group, after a name is added to the list, to make accessible on the Committee's website a narrative summary of reasons for listing;

15. *Decides* that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, the Committee's procedures for considering delisting requests, and the provisions regarding available exemptions;

16. *Demands* that Member States receiving notification as in paragraph 15 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 15 above;

17. *Encourages* Member States receiving notification as in paragraph 15 above to inform the Committee on steps they have taken to implement the measures set out in paragraphs 1, 3 and 7 above;

Delisting

18. *Welcomes* the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

19. *Urges* designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate the Committee's review;

20. *Directs* the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to this resolution;

21. *Decides* that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the Permanent Mission of

the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

22. *Encourages* the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions;

23. *Decides* that the mandate of the Monitoring Group, as set out in paragraph 3 of resolution 1811 (2008) shall also include the tasks outlined below:

(a) to assist the Committee in monitoring implementation of this resolution by providing any information on violations, of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

(b) to include in its reports to the Committee any information relevant to the Committee's designation of the individuals and entities described in paragraph 8 above;

(c) to assist the Committee in compiling narrative summaries referred to in paragraph 14 above;

24. *Reminds* all Member States of their obligation to implement strictly the measures imposed by this and all relevant resolutions;

25. *Decides* that all Member States shall report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 above;

26. *Decides* to review the measures outlined in paragraphs 1, 3 and 7 above, within 12 months;

27. *Decides* to remain actively seized of the matter.